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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,154	08/16/2006	Cheon Soon Choi	4458CCS-2	8992
22442	7590	05/11/2009	EXAMINER	
SHERIDAN ROSS PC			PUROL, SARAH L	
1560 BROADWAY				
SUITE 1200			ART UNIT	PAPER NUMBER
DENVER, CO 80202			3637	
			MAIL DATE	DELIVERY MODE
			05/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,154	CHOI, CHEON SOON	
	Examiner	Art Unit	
	Sarah Purol	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 October 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/21/05</u> . | 6) <input type="checkbox"/> Other: ____ . |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 4,6,10,11,12,13,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Waalkes et al. 5899035. Waalkes et al. teach a prefabricating rack frame comprised of a column 6 made of a square steel tube, a cross member 47 made of a bent steel plate by which any number of configurations may be made including a square if desired and upon which shelf plates 19 (as seen in Figure 1) may be placed if desired. The column 6 has plural inner slots 34 formed along a middle portion of at least one surface of the column and are arranged two in a row in the center. The column also has outer slots 16 located between the slots of the inner slots and at equal intervals. The cross member has a vertical web 11 an upper horizontal flange 47 and a plurality of hooks 48 formed at the longitudinal end of the vertical web 11. The hooks are rectangularly bent toward the extending direction of the horizontal flange 47. The hooks are inserted into slots 34 and firmly engaged thereto. The cross member further has a location restrictor 53 formed at the inside of the hook and is parallel to the upper horizontal flange by which the location restrictor is fully contacted on a side surface of the column along the upper horizontal flange.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3,7,8,9,15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waalkes in view of Ferdinand et al. 3691966. Ferdinand et al. teach a column 12 having a plurality of round openings 22 a cross member having a vertical web 60 also having an opening 106 which overlaps openings 22 of the column and are fastened thereto by a screw or pin 114 having a fastigiated point. To further employ a fastener as taught by Ferdinand et al. for added stability would have been obvious for one having ordinary skill in the art at the time of the invention. The lower flange 126 of Ferdinand et al. is provided with a stress-hardened reinforcing vertically offset embossment (bead) 136. Such a well known mechanical expedient may be employed at will wherever strength in construction is desired and is not seen as being of patentable (unobvious) significance.

Claims 5, rejected under 35 U.S.C. 103(a) as being unpatentable over Waalkes in view of Olsson et al. 6230910. Olsson et al teach slots that incline with the same degree on both sides of a pair. To modify the slots of Waalkes to incline for a more

snug fit would have been obvious for one having ordinary skill in the art at the time of the invention.

The prior art made of record and not relied upon at this time is considered pertinent to applicant's disclosure and cited on the attached PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Purol whose telephone number is 571-272-6834. The examiner can normally be reached on Tuesday -Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sarah Purol/

Primary Examiner

AU 3637

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